



**FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Kevin Adam
DOCKET NO.: 15-37543.001-R-1
PARCEL NO.: 13-05-433-007-0000

The parties of record before the Property Tax Appeal Board are Kevin Adam, the appellant, by attorney Joanne Elliott of Elliott & Associates, P.C. in Des Plaines; and the Cook County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds A Reduction in the assessment of the property as established by the Cook County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$4,464
IMPR.: \$18,536
TOTAL: \$23,000

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Cook County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2015 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of a two-story multi-family dwelling of frame construction with 2,006 square feet of above grade living area and 3,040 square feet of gross building area.¹ The building is approximately 92 years old. Features of the dwelling include two units, a full basement that is 90% finished, central air conditioning and a two-car detached garage. The property has a 3,720-square foot site and is located in Chicago, Jefferson Township, Cook County. The subject is classified as a class 2-11 apartment building under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant provided evidence that the subject property was purchased in June 2013 for a price of

¹ The best evidence of size was provided by the appellant's appraisal, which contained a sketch of the dwelling, measurements and calculations.

\$230,000. The appellant completed Section IV – Recent Sale Data of the appeal identifying the seller as 5639 N. Parkside AV. GP2 as the seller and indicated the parties were not related. The appellant also indicated the subject property was sold through a Realtor and listed on the open market through the Multiple Listing Service (MLS). The appellant reported the property had been advertised for seven days. To document the transaction the appellant submitted a copy of the Warranty Deed, a copy of the MLS listing of the subject property, and a copy of the Settlement Statement documenting the purchase price of \$230,000.

The appellant also submitted a copy of an appraisal estimating the subject property had a market value of \$230,000 as of May 17, 2013. The appraisal was prepared by Patrick M. Maher, a certified general real estate appraiser. The appraiser identified the client as Guaranteed Rate, Inc. and indicated the intended use was to assist the lender in determining the fair market value of the subject property as of the date of valuation. The property rights appraised were the fee simple estate. The appraiser identified the assignment type as a purchase transaction. The appraiser noted on the report that he had analyzed the contract for sale for the subject purchase transaction and determined it was a standard sales contract with no sales concessions listed.

In estimating the market value, the appraiser developed the sales comparison approach to value using five comparables described as being improved with 2 Flat style buildings ranging in size from 2,588 to 3,262 square feet of gross building area, including the basement. The comparables range in age from 91 to 93 years old. Each comparable has two units, two comparables have central air conditioning, and each comparable has a two-car garage. Three comparables sold from August 2012 to April 2013 for prices ranging from \$185,000 to \$250,000 or from \$58.92 to \$85.01 per square foot of gross building area, including land. Comparable #4 was an active listing with a price of \$310,000 or \$111.95 per square foot of gross building area, including land, and comparable #5 was under contract with a listing price of \$245,000 or \$75.11 per square foot of gross building area, including land. The appraiser indicated the comparables had gross monthly rentals ranging from \$1,600 to \$2,310 and gross rent multipliers ranging from \$95.24 to \$147.62. The appraiser estimated the subject property would have a gross rent multiplier of 115.

The appraiser adjusted the comparable sales for differences from the subject to arrive at adjusted prices ranging from \$220,000 to \$306,920 or from \$110,000 to \$153,460 per unit, \$16,539 to \$25,577 per room, and from \$45,712 to \$76,730 per bedroom. The appraiser estimated the subject property had a market value of \$115,000 per unit or \$230,000; \$75.00 per square foot of gross building area or \$228,000; \$16,000 per room or \$224,000; and \$46,000 per bedroom or \$230,000. The appraiser arrived at a market value using the comparable sales of \$230,000.

The appraiser also estimated the market value of the subject property using an income approach based on the gross rent multiplier. Using rental comparables the appraiser arrived at a market rent for the subject's unit #1, which included the basement, of \$1,300 per month, and for the subject's unit #2, the unit on the second floor, of \$800 per month, resulting in a total monthly rental for the subject property of \$2,100. Applying the gross rent multiplier of 115 the appraiser arrived at an estimated market value of \$241,500.

The appraiser reconciled the two approaches and estimated the subject property had a market value of \$230,000 as of May 17, 2013. Based on this evidence the appellant requested the subject's assessment be reduced to \$23,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$28,318. The subject's assessment reflects a market value of \$283,180 or \$141.17 per square foot of above grade living area, including land, when applying the Cook County Real Property Assessment Classification Ordinance class 2-11 property of 10%.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales improved with one, 1.5-story multi-family dwelling and three, 2-story multi-family dwellings of frame construction that range in size from 1,672 to 1,782 square feet of living area. The buildings were either 92 or 93 years old. Each comparable has a full unfinished basement and a 1-car, 2-car or a 2.5-car garage. The comparables sold from February 2012 to December 2012 for prices ranging from \$160,000 to \$250,000 or from \$95.47 to \$140.55 per square foot of above grade living area. The board of review grid analysis also disclosed the subject property sold in June 2013 for a price of \$230,000.

In rebuttal appellant's counsel argued the board of review presented no evidence challenging the arm's length nature of the subject's transaction. She also argued the sales provided by the board of review support the argument the subject property is over-assessed.

Conclusion of Law

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value was presented by the appellant, which included evidence that the subject property was purchased in June 2013 for a price of \$230,000 and an appraisal of the subject property estimating the property had a market value of \$230,000 as of May 17, 2013. The Board finds that the appellant provided evidence that the sale of the subject property had the elements of an arm's length transaction. Additionally, the appraisal further supported the contention that the purchase price was reflective of fair cash value. The subject's assessment reflects a market value of \$283,180, which is above the purchase price and the appraised value. The Board finds the board of review presented no evidence challenging the arm's length nature of the subject's sale. Additionally, the comparable sales provided by the board of review further supported the conclusion that the subject's purchase price was indicative of fair cash value. Based on this evidence the Board finds a reduction in the subject's assessment is justified.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Member



Member



Member

DISSENTING: _____

CERTIFICATION

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: June 19, 2018



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year or years of the same general assessment period, as provided in Sections 9-125 through 9-225, are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for such subsequent year or years directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.

PARTIES OF RECORD

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